

BOARD OF SELECTMEN

Minutes of the Meeting of 16 February 2005 at 7:00 PM. The meeting took place in the Court Room, Town and County Building, Nantucket, MA 02554. Members of the Board present were Bruce Watts, Michael Glowacki, Robert F. Murphy, Douglas Bennett and Timothy Soverino. Chairman Soverino called the meeting to order at 7:00 PM.

PUBLIC COMMENT

Nantucket residents Beverly McLaughlin, Richard Cooper, Carol Black, Joann Marcoux and Phil Austin spoke about their concerns with the recent "special" deer hunting week approved by the state Division of Wildlife and Fisheries. After some discussion, Mr. Murphy moved to place this matter on the February 23, 2005 meeting agenda for discussion; seconded by Mr. Bennett. So voted.

Approval of Minutes of 31 January 2005 at 7:00 PM. Mr. Glowacki moved approval; seconded by Mr. Bennett. So voted.

Approval of Payroll Warrant for Week Ending 13 February 2005. Mr. Bennett moved approval; seconded by Mr. Glowacki. So voted.

Approval of Treasury Warrant and Pending Contracts for 16 February 2005. Mr. Watts moved approval; seconded by Mr. Bennett. So voted.

Police Department: Request to Grant Tenure to One Full-Time Police Officer. Mr. Murphy moved to approve tenure to full-time police officer Steven Tornovich, as recommended; seconded by Mr. Watts. So voted.

Park & Recreation: Mr. Watts moved to accept the following gifts to be used for the future Skateboard Park, in memory of Bob Beuscher: Maureen Beck - \$50; Geronimo's Ltd - \$200; W. Wyatt Walker, Jr. and Daphne Dodge Walker - \$25; Melissa A. Baughman - \$100, and Helen Manchester - \$100; seconded by Mr. Glowacki. So voted. Mr. Watts moved to accept \$7,000, for the proposed Skateboard Park, from the Ozone Surf Classic, in memory of David Ozias; seconded by Mr. Glowacki. So voted.

Town Administration/Finance Department: Request for Approval to Spend in Excess of FY 2005 Public Works Budget for Snow and Ice Removal. Town Administrator Libby Gibson explained that the town has a snow and ice removal budget of \$25,000 and so far this winter, \$227,964 has been expended. Ms. Gibson noted that, in accordance with Department of Revenue regulations, while a Town may go into a deficit situation with snow and ice removal, it must be approved by the Board. Ms. Gibson added that if the FY 2005 deficit cannot be addressed in the 2005 budget, it must be addressed in the 2006 budget. Mr. Glowacki moved approval; seconded by Mr. Bennett. So voted.

Discussion Concerning Surfside Wastewater Treatment Facility Upgrade (continued from February 9, 2005) Mr. Murphy expressed his opinion that he is not "particularly impressed" with the alternatives offered by Earth Tech, the town's sewer consultants, with regard to the proposed upgrade to the Surfside Wastewater Treatment Facility (SWWTF). Mr. Murphy further expressed his opinion that, although the 3.5 mgd is the most financially prudent alternative, the build-out the plant would "engender" will not get the necessary 2/3 vote needed for approval at Town Meeting. Mr.

Watts expressed his opinion that "growth cannot be controlled" through sewers and it is wrong not to allow individuals who have the acreage not to have secondary dwellings. Mr. Glowacki stated that "zoning spurs the growth." A lengthy discussion followed concerning the second dwelling issue and Mr. Murphy asked the Board to include an article in the 2005 Annual Town Meeting warrant he has written on second dwellings. Mr. Murphy outlined his article, emphasizing that he proposes second dwellings only if used for affordable housing. Town Nevers resident Nancy Wheatly, who stated she has some expertise in the wastewater treatment industry, expressed her opinion that it makes no sense to "phase" the plant upgrade and the "law" states the town has to comply with an Administrative Consent Order (ACO) mandated by the Department of Environmental Protection (DEP) and upgrade the SWWTF to "secondary treatment." Mr. Murphy agreed with Ms. Wheatly but reiterated his opinion that the buildout issue needs to be addressed first. Nantucket resident and Town Clerk Catherine Stover expressed her opinion that the Board should be following the advice of staff and the consultants on this issue and proceed with an article for the April Town Meeting. Ms. Wheatly stated that the Board should not be mixing the "second dwelling" issue with the plant upgrade as that "confuses" voters. Additional discussion ensued concerning the July 1, 2005 deadline the town must meet to comply with the ACO and Mr. Glowacki moved to authorize Earth Tech to move forward on the design of a plant that can accommodate a 3.5 mgd upgrade, as identified in the Comprehensive Wastewater Management Plan (CWMP), to meet the July deadline; seconded by Mr. Watts. So voted.

Discussion also focused on financial data that is being compiled by an outside consultant which analyzes the various means under which towns may recover costs for sewer projects. It was noted this report will be available to the Board at the end of February. Chairman Soverino stated that he does not believe there is enough time before Town Meeting to "sell" an article which "fairly" allocates distribution of costs. Mr. Murphy again stated he does not believe any sewer article will pass until both the buildout and cost allocation issues are addressed and urged, again, the Board to approve submission of his proposed second dwelling article. Chairman Soverino recommended that a non-binding question be placed on the April 5, 2005 election warrant to seek a "sense of the community" about regulating secondary dwellings as a way to control buildout. After some discussion, Mr. Bennett moved to approve the following question be placed on the ballot: "what action, if any, shall the Town of Nantucket take towards addressing further buildout of secondary dwellings, as follows: 1) be kept as a right of the property owner; 2) be eliminated; 3) be reduced, or restricted;" seconded by Mr. Glowacki. So voted. Mr. Murphy was opposed. The Board was opposed to placing Mr. Murphy's article in the warrant.

Further discussion followed concerning delaying submitting a sewer article for the April Town Meeting and the possibility of having a "Special Town Meeting" within the April meeting, which would give the Board more time to review the financial report expected at the end of the month. It was noted that the Annual Town Meeting warrant must be adopted tonight and it was the general consensus of the Board that they are not comfortable with putting forward a sewer article with too many "unknowns" as to how the upgrade project will be funded. After some additional discussion it was agreed to wait until the financial report is reviewed before moving forward with a sewer article.

Adoption of the 2005 Annual Town Election and Town Meeting Warrant. Town Administrator Libby Gibson presented the draft warrant and after some continued discussion concerning the sewer article, Mr. Glowacki moved to adopt the 2005 Annual Town Election and Meeting warrant; seconded by Mr. Bennett. So voted.

Town Administrator's Report. Town Administrator Libby Gibson stated she will have a report on sewer connection fees at the February 23, 2005 meeting, as per a Board request two weeks ago. Ms. Gibson read a letter from the Siasconset Civic Association asking the Board to endorse a project to commemorate the memory of former selectman Isky Santos by placing a bench, which will bear a commemorative plate as well as a bronzed "Isky-type cap," at the Siasconset bus stop. Mr. Bennett moved to endorse said project; seconded by Mr. Bennett. So voted. Ms. Gibson announced that Town Biologist Tracy Curley has resigned from her position, effective February 22, 2005. Mr. Watts moved to send Ms. Curley a letter, on behalf of the Board, thanking her for her many years of service to the Town; seconded by Mr. Murphy. So voted.

Selectmen's Reports/ Comments. Mr. Bennett reminded everyone to attend a "political convention" on February 20, 2005.

At 10:00 PM, Chairman Soverino polled the Board and Mr. Murphy, Mr. Glowacki, Mr. Watts, Mr. Bennett and Chairman Soverino voted unanimously to adjourn to Executive Session, after a meeting of the County Commissioners, not to return to Open Session, for the purpose of discussing real estate acquisition/disposition.

Approved the 9th day of March 2005.